

ORDINANCE NO. 218 N.S.

AN ORDINANCE ADOPTING A PRECISE STREETS AND HIGHWAY PLAN FOR THE CITY OF EL PASO DE ROBLES: ESTABLISHING REGULATIONS FOR THE APPLICATION AND ENFORCEMENT THEREOF, ESTABLISHING OFFICIAL PLAN LINES ON CERTAIN STREETS AND HIGHWAYS.

The City Council of the City of El Paso de Robles does ordain as follows:

Article I.

DEFINITIONS

SECTION 1.1 "Master Plan" as used herein means that comprehensive long term general plan for the physical development of the City of El Paso de Robles, officially certified as the "Master Plan of the City of El Paso de Robles" and on file with the City Clerk, together with maps and reports and all parts thereof, and all additions and amendments thereto.

SECTION 1.2 "Master Street and Highway Plan" as used herein means that certain portion of the circulation element of the Master Plan of El Paso de Robles, consisting of a map entitled Street and Hiway Plan, showing the location of existing and proposed major thoroughfares in the City of El Paso de Robles, together with all parts, additions and amendments thereto, on file with the City Clerk.

SECTION 1.3 "Structure" as used herein means structure as defined in the Building Code of the City of El Paso de Robles, including swimming pools, retaining walls, stairways, any well, and any underground storage facility in excess of 1,000 gallons capacity; provided, however, "structure" shall not include any structure or building existing on the effective date of this ordinance, or to trees, garden or agricultural crops, or to farm and front yard fences, or to public utility facilities except buildings.

SECTION 1.4 "Official Plan Lines" and "Plan Lines" as used herein mean those lines designated upon the official maps

as herein provided in Article II, on file with the City Clerk, indicating areas reserved for future developement of public streets and thoroughfares.

SECTION 1.5 "Planning Commission" as used herein means the Planning Commission of the City of El Paso de Robles.

SECTION 1.6 "Precise Plan" as used herein means those rules and regulations adopted to accomplish planning purposes in the City of El Paso de Robles, and all maps, diagrams, reports and necessary data, and procedure for administration of such regulations.

Article II

ADOPTION OF PRECISE STREETS AND HIGHWAYS PLAN

SECTION 2.1 To facilitate the systematic execution of the circulation element of the Master Plan of the City of El Paso de Robles, a precise streets and highways plan for the City of El Paso de Robles is hereby adopted.

SECTION 2.2 The Precise Streets and Highways Plan consists of the rules, regulations, and procedures set forth in this ordinance, along with maps entitled "City of El Paso de Robles, California; Official Plan Lines on _____ Street or Streets", filed with the City Clerk as hereinafter provided and made a part hereof as if herein fully set forth.

SECTION 2.3 To assist in providing a definite plan of developement for the City of El Paso de Robles and to obviate the menace to the public safety resulting from inadequate provision of traffic thoroughfares in connection with and as a result of the developement of the City, official plan lines may be established by the City Council whenever the public peace, safety, comfort, convenience, interest or welfare may require.

SECTION 2.4 The City Council of the City of El Paso de Robles shall establish plan lines by the procedure set

forth in Article III of this Ordinance.

Article III

ESTABLISHMENT OF PLAN LINES

SECTION 3.1 Proceedings for establishment of precise plan lines for future rights of way along any portion of streets or planned streets in the City of El Paso de Robles may be initiated by the City Council, Planning Commission, or petition of one or more property owners affected by the proposed line.

SECTION 3.2 Before any action shall be taken by the Council concerning any plan lines, the proposed action shall be referred to the Planning Commission for a report and recommendation.

SECTION 3.3 Before making any recommendation to the Council, the Planning Commission shall hold a public hearing.

SECTION 3.4 Notice of the time and place of said hearing shall be given by publication in the City pursuant to Section 6061 of the Government Code of the State of California, at least ten days before the hearing, and by such other means as the commission deems necessary.

SECTION 3.5 The recommendations of the Planning Commission shall be by resolution, carried by the affirmative vote of not less than two-thirds of the total voting members.

SECTION 3.6 A copy of the map showing the proposed plan lines recommended pursuant to this article, along with a copy of the resolution set forth in Section 3.5, shall be submitted to the City Council and shall be accompanied by a report of findings, summaries of hearings, and recommendations of the Planning Commission.

SECTION 3.7 Upon receipt of a copy of the proposed plan lines, the City Council may by resolution adopt the

same. Before adoption, the City Council shall hold a public hearing, giving notice thereof in the manner provided in Section 3.4.

SECTION 3.8 Upon adoption of the resolution establishing any plan line or lines, a map entitled "Official Plan Lines of _____" (inserting the official name of the street or highway) shall be filed with the City Clerk, which map or maps shall show the areas within which the provisions of this ordinance shall apply. Said map or maps, and all notations, information and data appearing thereon, shall be a part of this Ordinance as if herein fully set forth. No plan line or regulations pertaining thereto shall be effective unless and until the said map is filed with the City Clerk.

SECTION 3.9 The City Clerk shall cause to be recorded in the office of the County Recorder of San Luis Obispo County a full, true and correct copy of the Map of Official Plan Lines adopted pursuant to this article.

Article IV.

BUILDING RESTRICTION

SECTION 4.1 From and after the effective date of any resolution establishing plan lines, it shall be unlawful for any person, firm or corporation to erect any structure within the space between any street line and plan line, or between any plan lines on proposed thoroughfares.

SECTION 4.2 The Building Inspector of the City of El Paso de Robles shall not issue any permit for any structure proposed to be erected within the spaces designated in Section 4.1, and any permit so issued shall be null and void.

Article V.

VARIANCES

SECTION 5.1 Where practical difficulties, unnecessary

hardship, or results inconsistent with the general purpose of this Ordinance may result from the strict application of certain provisions hereof, variance may be granted as provided in this Article.

SECTION 5.2 Application for variance shall be made to the Planning Commission in writing on a form provided by the Commission, accompanied by a fee of \$15.00. Application for variance shall be accompanied by a written statement of the applicant providing evidence that practical difficulty, unnecessary hardship, or results inconsistent with the general purposes of this Ordinance occur through strict application of its regulations, together with any plans or documents showing the proposed variance.

SECTION 5.3 If the Planning Commission finds that there are practical difficulties, unnecessary hardships, or results inconsistent with the general purposes of this Ordinance if its terms are strictly applied, and that material injury or detriment to the neighborhood or public welfare will not result from the issuance of a permit, it may recommend the application for approval and transmitt the same together with its report and findings to the Council.

SECTION 5.4 The City Council, after receipt of the report and recommendation of the Commission, may authorize the issuance of a variance permit by the Planning Commission.

SECTION 5.5 If the construction or action permitted by any variance permit issued under this article is not commenced within one year from the date of its issuance by the Planning Commission, the permit shall be null and void.

SECTION 5.6 Any variance to the terms of this ordinance shall be subject to any conditions imposed thereon by the Planning Commission or the City Council.

Article VI.

AMENDMENTS

SECTION 6.1 Amendments to this Ordinance may be initiated by the City Council or the Planning Commission. Before the City Council adopts any such amendment, it shall be referred to the Planning Commission for a report. Before making a report or recommendation, the Planning Commission shall hold a public hearing, giving notice thereof as provided in Article III, Section 3.4.

SECTION 6.2 Failure of the Planning Commission to report within 40 days after reference of a proposed amendment shall be deemed approval of the amendment.

SECTION 6.3 The recommendation of the Commission on any amendment to this Ordinance, whether initiated by the Commission or referred to it by the Council, shall be by resolution of the Commission, carried by the affirmative vote of two-thirds of its total voting members.

SECTION 6.4 Upon receipt of the recommendation of the Commission on the proposed amendment, the City Council may adopt the same, provided that before adoption, the Council shall hold a public hearing, giving notice thereof in the manner provided in Article III, Section 3.4 hereof.

Article VII.

GENERAL PROVISIONS

SECTION 7.1 Any structure, or any part of any structure, which exists between any plan lines, at the time of the adoption of any resolution establishing said plan lines, shall not be altered or enlarged in any manner after such adoption.

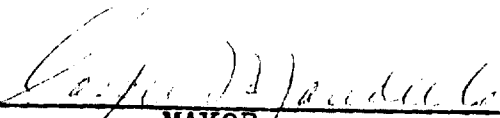
SECTION 7.2 Any person violating the terms of this Ordinance is guilty of a misdemeanor and shall be punishable

by a fine of not to exceed \$500.00 or imprisonment in the County Jail for a period of not more than six months, or by both such fine and imprisonment.

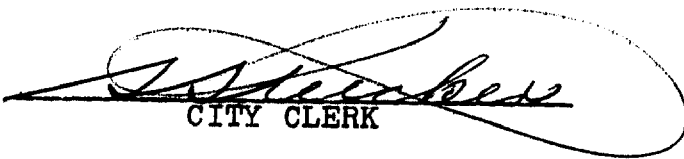
SECTION 7.3 The regulations set forth in this Ordinance are in addition to any regulations set forth in the Zoning Ordinance of the City of El Paso de Robles, or in the Subdivision Ordinance of the City of El Paso de Robles, and take precedence over any regulations contained therein which may be in conflict herewith.

SECTION 7.4 If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not effect any other provisions or applications of the Ordinance which can be given effect without invalid provisions or applications, and to this end the provisions of this Ordinance are severable.

PASSED AND ADOPTED this 17th day of October, 1960.


MAYOR PRO. TEM.

ATTEST:


CITY CLERK

STATE OF CALIFORNIA
COUNTY OF SAN LUIS OBISPO
CITY OF EL PASO DE ROBLES

} SS.


I, S. S. Tucker, City Clerk of the City of
El Paso de Robles, California, do hereby certify that the foregoing ORDINANCE
No. 238, N.S. was duly and regularly adopted, passed, and approved by the City
Council of the City of El Paso de Robles, California, at a regular meeting of said City
Council held at the regular meeting place thereof, on the 17th day, of October
1960, by the following vote:

AYES: Councilmen Blake, Leisy, Mandella and Smith

NOES: Councilmen None

ABSENT: Councilmen Sturgeon

Dated this 17th day of October, 1960


City Clerk and Ex-Officio Clerk of the City Council,
City of El Paso de Robles, State of California.